THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.28147 OF 1996

DATED: 19-01-2007

Between :

1. Teli Jagan and 3 others. ... Petitioners

And

1. State of A.P., through District Collector, Warangal., and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.28147 OF 1996

ORDER :

This writ petition is filed seeking a Mandamus declaring that the alleged action of the official respondents 1 to 3 in digging the bore-well and laying pipelines in the land of the petitioners bearing Sy.No.130/G of Enumamula Revenue village, Warangal District without their consent and without following due process of law is arbitrary and illegal.

In response to Rule Nisi ordered, counter-affidavit has been filed by the 2nd respondent denying all the allegations made by the petitioner and stating that the investigations conducted by the 2nd respondent revealed that the ground water in Enumamula village is not useful for drinking purpose and as such Geophysicists having conducted the investigation away from the village and located site adjacent to the road and adjoining the tank bund which is supposed to be the Government land. It is also stated that the petitioners have also filed O.S.No157 of 1996 on the file of II-Additional District Munsif Court, Warangal against the respondents herein seeking injunction and the same is pending.

As can be seen, the matter involves several disputed questions of fact including the location of the bore-well in question. Such a disputed question of fact cannot be enquired into and decided by this Court in writ proceedings.

That apart, the petitioners have filed a civil suit which is pending before the competent Court. Hence, the interference by this Court is

not warranted. Accordingly, leaving it open to the petitioners to work out the appropriate remedy as available, the Writ Petition is disposed of. No costs.

G. ROHINI, J.

Dt. 19-1-2007
gbs